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PATENT APPLICATION

#4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Miles Aram DEFOREST and Eric Trounson  
Serial no. : MACHARDY, Jr.  
Filed : 09/579,670  
For : May 26, 2000  
FAULT TOLERANT SYSTEM SHARED  
SYSTEM RESOURCE WITH STATE  
MACHINE LOGGING  
Group Art Unit : 2771  
Examiner :  
Docket : EMCCOR P11AUS

The Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**Attn: Office of Petitions**

**PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT**

Dear Sir:

In a Notice mailed May 2, 2002 (see attached copy thereof), the Patent Office informed the undersigned that the above identified application was abandoned in view of Applicant's failure to respond to the Notice to File Missing Parts. This Notice is believed to have been issued in error as the Applicant timely responded to that Notice by filing a Response submitted under an September 29, 2000 Certificate of Mailing date (see attached copy of the filed material and the returned postcard confirming receipt of the same). Accordingly, the Applicant respectfully requests withdrawal of the issued Notice of Abandonment and expedited consideration of the previously filed material.

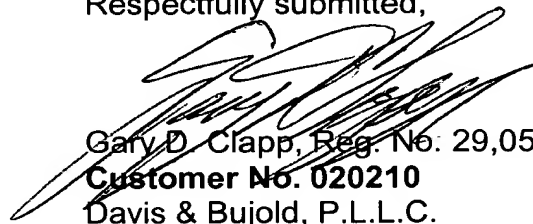
No petition fee is believed payable in view of this Petition however, in the event that a fee is due and payable, please charge the same to our Deposit Account as indicated below.

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09/579,670

In the event that the Patent Office disagrees with Applicant's assessment of this matter, the undersigned respectfully requests that the Patent Office forward a formal explanation of why the Notice of Abandonment should not be withdrawn at this time.

Respectfully submitted,



Gary D. Clapp, Reg. No. 29,055

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#### **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on May 13, 2002.

By: \_\_\_\_\_

Print Name: Gary D. Clapp

